

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL M. PENNELL,

Petitioner,

v.

RONDA J. PASH,¹

Respondent.

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No. 4:16-CV-00352-SPM

MEMORANDUM AND ORDER

This matter is before the Court upon the filing of what appears to be an exhibit to petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2254.² Petitioner has neither paid the \$5 filing fee nor filed a motion to proceed in forma pauperis.³ As a result, the Court will order petitioner to either pay the filing fee or submit a motion to proceed in forma pauperis and financial affidavit within thirty (30) days of the date of this Order.

Additionally, petitioner did not draft a petition for writ of habeas corpus on a Court-provided form. As a result, the Court will order the Clerk to mail petitioner a copy of the standard

¹ The Clerk of Court shall change the docket to reflect that the proper respondent in this action is the Warden of Crossroads Correctional Center, Ronda J. Pash.

² This case was transferred from the United States District Court for the Western District of Missouri. Upon review of the record, there does not appear to be an actual § 2254 petition transferred to this Court. However, a copy of an Opinion of the Missouri Eastern District Court of Appeals affirming the denial of post-conviction relief was appended to the record and appears to be an exhibit to petitioner's application for writ of habeas corpus. As a result of the lack of an actual petition for writ of habeas corpus in the record, the Court will require petitioner to file an amended petition, on a court form, within thirty (30) days of the date of this Memorandum and Order.

³ Petitioner has filed a copy of his prisoner account statement; however, in order to show financial need in a habeas corpus case, a financial affidavit is necessary. The Court will provide petitioner the form to fill out. The form should be returned to the Court within thirty (30) days of the date of this Memorandum and Order.

form and will order petitioner to file an amended petition using the standard form within thirty (30) days of the date of this Order.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall provide petitioner with a form for filing a "Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a person in State Custody," as well as a form "Motion to Proceed In Forma Pauperis and Affidavit in Support - Habeas Cases."

IT IS FURTHER ORDERED that petitioner shall complete, sign, and return the petition within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that petitioner shall have thirty (30) days from the date of this Order to pay the statutory filing fee of \$5, or to submit a completed form "Motion to Proceed In Forma Pauperis and Affidavit in Support - Habeas Cases."

IT IS FURTHER ORDERED that the Clerk of Court shall change the docket to reflect that the proper respondent in this action is the Warden of Crossroads Correctional Center, Ronda J. Pash.

Dated this 17th day of March, 2016.

A handwritten signature in black ink, appearing to read "Shirley P. Mensah", written over a horizontal line.

SHIRLEY P. MENSAH
UNITED STATES MAGISTRATE JUDGE